

§ 52.781

(3) In accordance with Executive Order 11752, the Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be delegated, other than to a Regional Office of the Environmental Protection Agency, for new or modified sources which are owned or operated by the Federal Government or for new or modified sources located on Federal lands; except that, with respect to the latter category, where new or modified sources are constructed or operated on Federal lands pursuant to leasing or other Federal agreements, the Federal Land Manager may at his discretion, to the extent permissible under applicable statutes and regulations, require the lessee or permittee to be subject to new source review requirements which have been delegated to a State or local agency pursuant to this paragraph.

(4) The Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be redelegated, other than to a Regional Office of the Environmental Protection Agency, for new or modified sources which are located in Indian reservations except where the State has assumed jurisdiction over such land under other laws, in which case the Administrator may delegate his authority to the States in accordance with paragraphs (g) (2), (3), and (4) of this section.

(h) On March 7, 1994, Indiana requested a revision to the State Implementation Plan (SIP) for New Source Review (NSR) to satisfy the requirements of the Clean Air Act Amendments of 1990. The Indiana 326 IAC regulations do not include a definition of "federally enforceable". On July 13, 1994, Pamela Carter, Attorney General of the State of Indiana, sent a letter to USEPA clarifying Indiana's interpretation of the definition of federally enforceable. The letter states that federally enforceable, e.g. as used in 326 IAC 2-3-1, should be interpreted in accordance with the federal definition at 40 CFR 51.165(a)(1)(xiv). The USEPA took the opportunity of rulemaking on the State's submittal to recodify the per-

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mitting SIP to conform to Title 326 the Indiana Administrative Code.

[37 FR 10863, May 31, 1972, as amended at 38 FR 12698, May 14, 1973; 39 FR 4663, Feb. 6, 1974; 39 FR 7281, Feb. 25, 1974; 40 FR 50270, Oct. 29, 1975; 51 FR 40677, Nov. 7, 1986; 59 FR 51114, Oct. 7, 1994]

§ 52.781 Rules and regulations.

(a) [Reserved]

(b) A part of the second sentence in section 3, APC-17, which states "Where there is a violation or potential violation of ambient air quality standards, existing emission sources or any existing air pollution control equipment shall comply with th

(c)-(d) [Reserved]

(e) Section 2(d) of APC-20, Fugitive Dust Emissions, is disapproved because it is unenforceable within the terms of the regulation.

(f) Subsections 3(b)(3) and 3(b)(5) of APC-2 (May 18, 1977) are disapproved because they are unenforceable within the terms of the regulation.

(g) *Disapproval.* EPA is disapproving 326 IAC 25-2-1, 326 IAC 25-2-3 and 326 IAC 25-2-4 as revisions to the Indiana SIP.

[37 FR 10863, May 31, 1972, as amended at 37 FR 15084, July 27, 1972; 38 FR 12698, May 14, 1973; 40 FR 50033, Oct. 28, 1975; 43 FR 26722, June 22, 1978; 75 FR 72965, Nov. 29, 2010]

§ 52.782 Request for 18-month extension.

(a) The requirements of § 51.341 of this chapter are not met since the request for an 18-month extension for submitting that portion of the plan that implements the secondary standards for particulate matter in the Metropolitan Indianapolis Intrastate Region does not show that attainment of the secondary standards will require emission reductions exceeding those which can be achieved through the application of reasonably available control technology.

[37 FR 10863, May 31, 1972, as amended at 51 FR 40677, Nov. 7, 1986]